

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SUNCO GROUP, INC.,

X

Plaintiff,

-against-

EARTH BIOFUELS, INC.,

**STIPULATION
ADJOURNING TIME TO
ANSWER AMENDED
COMPLAINT**

07 CV 4776 (WHP)

Defendant.

X

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for Plaintiff and Defendant, that Defendant Earth Biofuels, Inc.'s time to answer or otherwise move with respect to the Amended Complaint is hereby extended through and including March 7, 2008.

Dated: February 25, 2008

BERG PARTNERS LLP

Attorneys for Plaintiff
350 Fifth Avenue - 59th Floor
New York, NY 10118
(212) 601-2750 Tel.

By:

Philip C. Berg, Esq.

CUDDY & FEDER LLP

Attorneys for Defendant Earth Biofuels, Inc.
445 Hamilton Avenue - 14th Floor
White Plains, NY 10601
(914) 761-1300 Tel.

By:

Joshua E. Kimerling (JEK #0053)